

Appl. No. 10/607,645  
Atty. Docket No. 6269RDC  
Amdt. dated July 26, 2005  
Reply to Office Action of 5/23/2005  
Customer No. 27752

#### REMARKS/ARGUMENTS

Claims 1-22 remain in the application.

Claim 1 has been amended to recite that the absorbent layer is positioned between the scrubbing layer and the attachment layer. (Basis is at page 20, line 5.) Claim 1 also recites the absorbent layer as being in fluid communication with the scrubbing layer. (Basis is at page 20, line 16.) Claim 8 has been amended to depend from Claim 1, and thereby carries the same defining elements for the cleaning pad.

Claims 3, 4, 10 and 11 have been amended to recite the  $t_{1200}$  or  $t_{900}$  absorbent capacity. (Basis is at page 6, line 25-29.)

It is submitted that all amendments are fully supported, and entry is requested.

#### Formal Matters

For the record, there are no objections or rejections under 35 USC 112 outstanding. The Terminal Disclaimer (earlier presented) has been accepted.

#### Rejections Under 35 USC 102(b)

Claims 1, 7, 8, 14 and 22 stand rejected over U.S. 5,090,832, for reasons of record at page 2 of the Office Action.

Applicants respectfully traverse the rejections on this basis, to the extent they may apply to the claims as now amended.

Previous arguments in support of patentability continue to apply, but will not be repeated here, for the sake of brevity.

The Examiner's position is that the '832 patent teaches a pad comprising a scrubbing layer 78, an absorbent layer 68, 74 and super absorbent material 82, and an impermeable attachment layer 16.

At the outset, exception is taken to the characterization of sheet 16 as being an "attachment" layer. At column 7, lines 28-38, sheet 16 is described as having a plurality of rupturable cavities containing a liquid cleaning material. When pressure is applied, the cavities are ruptured such that said liquid is dispensed into the scrubbing layer. (Column 7, line 38.)

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In any event, it is again submitted that the assembly, and, hence, the mode of operation of the pad of '832 are entirely different from the paid of the present invention.

'832, column 1, lines 35-37, states: The pad has a liquid impervious sheet covering the rear surface of the scrubber layer.

'832, column 1, lines 6-8, states: A feature of the invention is that the liquid impervious sheet protects the blotter layer from getting wet while using the scrubber layer. [emphasis supplied]

In sharp contrast, the scrubbing layer herein is in direct fluid communication with the scrubbing layer.

As stressed in MPEP §2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Citations omitted.) Moreover, "The identical invention must be shown in as complete detail as contained in the . . . claim." (*Ibid*; emphasis supplied)

Inasmuch as the invention herein, as set-forth in amended Claim 1, meets all requirements of §102, and since all other claims ultimately depend from Claim 1, it is requested that all rejections under §102 be reconsidered and withdrawn.

#### Rejections Under 35 USC 103

Claims 16-21 stand rejected over '832 in view of the state of the art "admitted by the applicants in the specification." Office Action page 3.

Applicants respectfully traverse the rejections on this basis.

As stressed in MPEP 2143.1 (citations omitted), if a proposed modification or combination of the prior art would change the principle of operation of the prior art invention, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.

As discussed above under §102, any suggestion to rearrange the scrubbing/fluid impervious/absorbent layers of the cited '832 patent to arrive at the present invention would completely change the mode of operation of the '832 device.

As taught in '832, column 2, lines 6-8, the liquid impervious sheet protects the blotter from getting wet. To change the position of said sheet would change this principle

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of operation. At column 7, line 55, once the scrubbing is over, the pad of '832 is designed to be inverted to achieve blotting. Again, changing the position of the impervious sheet relative to the scrubbing and absorbing layer would change this mode of operation, contrary to MPEP 2143.01.

Simply stated, a cleaning fluid flows through the scrubbing layer directly into the absorbent layer of the present articles. In '832 it does not. In fact, the pad of '832 is specifically designed so that such direct flow will not occur.

The specification at pages 1-2 discusses another Rivera patent U.S. 5,094,599, which, from the disclosure at page 1, line 30 – page 2, line 2, seems very much like the '832 patent to Rivera, discussed above, i.e., “a liquid impervious layer positioned between the scrubber and blotter layer.” [emphasis supplied]

With regard to U.S. 5,419,015, cited at page 2, it is submitted that the discussion comprises more a listing of problems associated with '015, rather than any relevant admission regarding the present invention.

Net: Irrespective of the disclosures combined with '832, the combination, itself, is not permitted under MPEP 2143.1 if, as in the present instance, it changes the mode of operation of '832. Withdrawal of the rejections on this basis is therefore requested.

Claims 2 and 9 stand rejected over '832 in view of U.S. 3,629,047.

Claims 3-6 and 10-14 stand rejected over '832.

Applicants also traverse the aforesaid rejections, to the extent they may apply to the claims as now amended.

The '047 patent is cited to show the presence of a scrim in disposable cleaning cloths. (Office Action page 4.) Accordingly, the Examiner has combined '047 with '832 to, assertedly, arrive at the present invention.

However, it is submitted that, whatever elements are disclosed in '047, it is the assembly of those elements in the manner and for the purpose disclosed in '832 that is key. Adding a scrim to the pad of '832 would in no way modify its operation (discussed above) to provide fluid communication between the scrubbing layer and the absorbent layer, in the manner of the present invention. Withdrawal of the rejections on this basis is requested.

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